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Letter dated 13 April 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 11 April 2004, from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-30875 (E) 140404

Annex

Letter dated 11 April 2004 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

In accordance with paragraph 16 of resolution 1051 (1996), the Director General of the International Atomic Energy Agency (IAEA) is requested to submit consolidated progress reports every six months to the Security Council, commencing 11 April 1996,* on the Agency's verification activities in Iraq pursuant to paragraphs 12 and 13 of Council resolution 687 (1991) and other related resolutions.

Since 17 March 2003, IAEA has not been in a position to implement its mandate in Iraq under Security Council resolution 687 (1991) and related resolutions. It is the Agency's understanding that the obligations of the Agency pursuant to those resolutions remain valid unless and until the Security Council decides otherwise. More specifically, the requirements of the IAEA's ongoing monitoring and verification plan approved by the Council in resolution 715 (1991) should remain in place, including the obligation of Iraq to declare semi-annually changes that have occurred or are foreseen at sites deemed relevant by the Agency and about items listed in annex 3 to that plan (see S/2001/561). Those items are to be notified to the Agency when imported to or exported from Iraq, by Iraq and by the exporting/importing Member States, in accordance with the export-import mechanism approved in Security Council resolution 1051 (1996). The Agency has received no such declaration or notification since it withdrew from Iraq a year ago.

During the period covered by this report, IAEA has continued to focus its activities on consolidating and further analysing information collected and activities implemented since 1991, with the objective of identifying lessons learned and deciding whether and to what extent the Agency's plan for resuming verification activities needs to be adapted in the light of those lessons and the changing situation in Iraq. The information obtained with respect to Iraq during the reporting period has been derived principally from open sources and commercial satellite imagery of locations of interest to the Agency for potential future verification in Iraq.

The Agency is concerned about the implications of the results of its review of satellite imagery, especially with respect to sites known to the Agency to have

* The previous consolidated reports of the Director General of the International Atomic Energy Agency were circulated as documents S/1996/261 of 11 April 1996, S/1996/833 of 7 October 1996, S/1997/297 of 11 April 1997, S/1997/778 of 8 October 1997, S/1998/312 of 9 April 1998, S/1998/927 of 7 October 1998, S/1999/393 of 7 April 1999, S/1999/1035 of 7 October 1999, S/2000/300 of 11 April 2000, S/2000/983 of 11 October 2000, S/2001/337 of 6 April 2001, S/2001/945 of 5 October 2001, S/2002/367 of 16 April 2002, S/2002/1150 of 16 October 2002, S/2003/422 of 14 April 2003 and S/2003/993 of 14 October 2003. Document S/1998/694, dated 27 July 1998, contained the text of an interim status report provided in response to the Security Council presidential statement dated 14 May 1998 (S/PRST/1998/11). Document S/1999/127, dated 9 February 1999, contained the text of an interim status report provided in response to the note by the President of the Security Council dated 30 January 1999 (S/1999/100). Following the resumption of the Security Council-mandated activities of IAEA in Iraq in November 2002, the Council requested several updates. IAEA provided those updates in the form of a report (S/2003/95, dated 27 January 2003) and oral statements to the Security Council by the Director General (on 19 December 2002, 9 and 27 January 2003, 14 February 2003 and 7 March 2003). Finally, the work programme of the International Atomic Energy Agency in Iraq pursuant to Security Council resolution 1284 (1999) was provided to the Security Council on 20 March 2003 (S/2003/342).

contained items subject to monitoring under the ongoing monitoring and verification plan. The imagery shows that there has been extensive removal of equipment and, in some instances, removal of entire buildings. Other information available to the Agency, confirmed through visits to other countries, indicates that large quantities of scrap, some of it contaminated, have been transferred out of Iraq, from sites monitored by IAEA. It is not clear whether the removal of those items has been the result of looting activities in the aftermath of the recent war in Iraq, or as part of systematic efforts to rehabilitate some of the locations. In any event, these activities may have a significant impact on the Agency's continuity of knowledge of Iraq's remaining nuclear-related capabilities and raise a concern with regard to the proliferation risk associated with dual-use material and equipment disappearing to unknown destinations. The United States Government has been informed of these observations, and clarifications are expected.

The International Atomic Energy Agency remains ready, subject to Security Council guidance, to resume its Security Council-mandated verification activities in Iraq. In the meantime, Member States are expected, pursuant to paragraph 10 of resolution 1441 (2002) and other relevant Council resolutions, to provide any information relevant to prohibited programmes in Iraq or aspects of the IAEA mandate, with a view to enabling the Agency to fulfil its responsibilities under those resolutions and under the Treaty on the Non-Proliferation of Nuclear Weapons. The Agency therefore expects that all findings by any Member States that could be of relevance to Iraq's nuclear activities or potential capabilities, particularly in the context of the activities of the Iraq Survey Group, will be shared with the Agency in the near term.

I should be grateful if you would arrange for this letter to be distributed as a document of the Security Council.

(*Signed*) Mohamed ElBaradei